

House File 2450

H-8392

1 Amend House File 2450 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 321.1, Code Supplement 2011, is
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 95. "*Automated traffic law*
7 *enforcement system*" means a device with one or more
8 sensors working in conjunction with at least one of the
9 following:

10 a. An official traffic-control signal, to
11 produce recorded images of motor vehicles entering
12 an intersection against a flashing red light, steady
13 circular red light, or a steady red arrow.

14 b. An official traffic-control signal at a railroad
15 grade crossing, as described in section 321.342,
16 to produce recorded images of vehicles violating a
17 flashing red or steady circular red light.

18 c. A speed measuring device, to produce recorded
19 images of motor vehicles travelling at a prohibited
20 rate of speed.

21 Sec. 2. NEW SECTION. 321.5A Automated traffic law
22 enforcement systems.

23 A local authority shall not use an automated traffic
24 law enforcement system except as provided in this
25 section.

26 1. A local authority may by ordinance authorize the
27 use of automated traffic law enforcement systems to
28 detect violations of posted speed limits or official
29 traffic-control signals which constitute municipal or
30 county infractions.

31 2. A local authority shall provide signage,
32 in conformance with the uniform system on traffic
33 control devices adopted pursuant to section 321.252,
34 giving notice of the use of an automated traffic
35 law enforcement system on both sides of the approach
36 to each location where an automated traffic law
37 enforcement system is in use as follows:

38 a. A warning sign at least forty-eight inches
39 by thirty-six inches in size with a distance plaque
40 having a black legend and black border on a yellow
41 or fluorescent yellow-green color shall be posted on
42 both sides of each road on the approach to the next
43 traffic-control signal where an automated traffic law
44 enforcement system is in use.

45 b. A warning sign at least forty-eight inches
46 by thirty-six inches in size with a distance plaque
47 having a black legend and black border on a yellow or
48 fluorescent yellow-green color shall be posted on both
49 sides of the approach to the next speed limit zone on a
50 road where an automated traffic law enforcement system

1 is being used for speed limit enforcement.

2 *c.* The notice of the use of an automated traffic
3 law enforcement system shall be positioned so as
4 to provide adequate perception-response time for
5 motorists.

6 *d.* A temporary sign shall be positioned or posted
7 on the approach to each location where a mobile
8 automated traffic law enforcement system is being used
9 for speed limit enforcement.

10 *e.* The color and size of signage and the distance
11 of the placement of signage may vary from the
12 requirements of this section, provided that the
13 variation is based upon an engineering study and a copy
14 of the engineering study is maintained on file by the
15 local authority.

16 *f.* The vendor or vendors that provide automated
17 traffic law enforcement system equipment and services
18 to the local authority shall be responsible for the
19 costs associated with the provision of signage required
20 under this subsection.

21 3. Recorded images produced by an automated traffic
22 law enforcement system evidencing a violation of a
23 posted speed limit or an official traffic-control
24 signal shall be reviewed by a peace officer of the
25 local law enforcement agency to affirm that a violation
26 occurred and the identity of the motor vehicle involved
27 in the violation. If following the officer's review,
28 a notice of a fine or citation is issued to the owner
29 of the motor vehicle involved in the violation, the
30 following requirements apply:

31 *a.* An affidavit bearing the written or electronic
32 signature of the peace officer shall be included on the
33 notice or citation.

34 *b.* The notice or citation shall contain a
35 statement, in bold type, regarding the process for
36 appealing the fine.

37 *c.* The notice or citation shall be sent by ordinary
38 mail to the owner of the motor vehicle involved not
39 more than thirty days following the incident giving
40 rise to the notice of a fine or citation, as evidenced
41 by the postmark.

42 4. *a.* A local authority shall not charge the owner
43 of a motor vehicle administrative fees in addition to
44 any civil penalty imposed for a violation detected by
45 an automated traffic law enforcement system. A civil
46 penalty for such a violation shall not exceed the
47 amount of the fine established in section 805.8A for an
48 equivalent violation charged as a scheduled violation,
49 subject to the limitation established in section
50 331.302 for violation of a county ordinance or the

1 limitation established in section 364.3 for violation
2 of a city ordinance.

3 *b.* A local authority shall not impose a civil
4 penalty for violation of a speed limit for speed which
5 is ten miles per hour or less over the speed limit.

6 5. The notice or citation sent to the owner of a
7 motor vehicle pursuant to subsection 3 shall specify
8 the date by which payment of the civil penalty is
9 due. The penalty shall be deemed delinquent if it is
10 not paid within thirty days after the date specified
11 on the notice or citation. Thirty days after the
12 date specified on the notice or citation, the local
13 authority may contract with a private collection agency
14 for collection of the delinquent penalty.

15 6. The owner of a motor vehicle shall not be liable
16 for a violation detected by an automated traffic
17 law enforcement system if a uniform traffic citation
18 was issued to the operator of the motor vehicle in
19 connection with the same violation.

20 7. A local authority that uses an automated traffic
21 law enforcement system shall file annually with the
22 department of public safety a report comparing the type
23 and rate of accidents that occurred at each location
24 where an automated traffic law enforcement system was
25 employed during the previous year to the type and rate
26 of accidents at the same location during the previous
27 consecutive year. The report shall be kept on file and
28 used by the governing body of the local authority in
29 evaluating the effectiveness of the automated traffic
30 law enforcement program in improving public safety.

31 Sec. 3. EXISTING AUTOMATED TRAFFIC LAW
32 ENFORCEMENT SYSTEMS — VALIDITY OF PRIOR NOTICES AND
33 CITATIONS. Notices mailed or citations issued of
34 violations committed prior to the effective date of
35 this Act, pursuant to a local ordinance authorizing the
36 use of an automated traffic law enforcement system,
37 shall not be invalidated by the enactment of this Act
38 and shall be processed according to the provisions of
39 the law under which they were authorized.>

40 2. Title page, line 1, by striking <prohibiting>
41 and inserting <relating to>

42 3. Title page, by striking line 2 and inserting
43 <systems.>

44 4. By renumbering as necessary.

WENTHE of Fayette

HALL of Woodbury